

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTOINE SMITH,

Plaintiff,

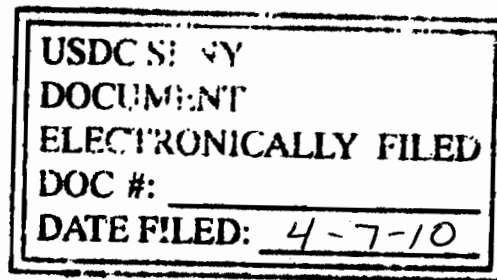
-v-

"JOHN DOE," [identified on 10/13/09
as] DENBROOK HOLMES, [deceased]
Correctional Officer for Bronx
Criminal Court, sued in his official
and individual capacities,

Defendant.
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08 Civ. 10437 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

On January 25, 2010, the Honorable Douglas F. Eaton, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court dismiss the case pursuant to Fed. R. Civ. P. 25(a)(1), as the deadline has passed for plaintiff to make a motion to substitute another defendant in place of the deceased Officer Holmes.

Plaintiff has failed to file any objection to the Report, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002). Accordingly, the Court hereby adopts the Report, and, for the reasons therein, dismisses the case with prejudice. Clerk to enter judgment.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
April 6, 2010